



STATE OF THE UNION.

SPEECH OF HON. WM. BIGLER, OF PENNSYLVANIA,

Delivered in the Senate of the United States, January 21, 1861.

The Senate having under consideration the joint resolution (S. No. 54) proposing certain amendments to the Constitution, the pending question being on Mr. BIGLER'S amendment to the amendment of Mr. CLARK—

Mr. BIGLER said:

MR. PRESIDENT: After the solemn scene presented here this morning, I confess I scarcely have the heart to approach the consideration of this subject. The solicitude, the universal and solemn solicitude, not to say alarm, that pervades the popular mind in my State, touching the present distracted and imperiled condition of the country, and the importunities which reach me daily on that absorbing topic, must plead my apology to the Senate for the expression of my opinions and feelings at this time. I shall probably never claim their attention again, and I shall be as brief as I properly can. It is mainly my purpose to deal with the eventful and inauspicious present, and as far as that is possible, with the mysterious and gloomy future of our country and Government.

I shall not repeat, at length, the oft-told and familiar stories of the establishment of colonies on this continent; of their early history; their doings and sufferings, their progress and prosperity; of the means by which they were induced to embrace the institution now the subject of unhappy, if not fatal, controversy between the States of the Confederacy; nor how those colonies, in the course of time, threw off their allegiance to the mother country; how their representatives assembled in Independence Hall, at Philadelphia, in 1776, and absolved themselves from their former allegiance to Great Britain; how the people of all the States, north and south, made common cause in the privations and sufferings that followed; how, after a struggle of seven years, their independence was fully established; how they formed a Confederacy of States for the mutual benefit of all; how and why that Confederacy failed to answer the purposes for which it was designed; and how, in 1787, these thirteen separate and independent States, by their representatives, assembled in convention at Philadelphia, in order to "form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare and secure the blessings of liberty;" nor how, in that work, Madison, Randolph, Pinckney, Rutledge, and others of the South, and Franklin, Sherman, Gerry, Paterson, and others of the North, sat side by side, day after day, in solemn conclave over the affairs of the nation; how the individuality of the States was preserved and distinguished; how each expressed its views by a single vote, the smallest being equal to the greatest; and how it was agreed that, when nine out of the thirteen should unite on conditions of a more perfect Union, that that Union should supersede the old form of Government, and be binding on those States only who might adopt it, leaving the opportunity for four of those independent parties to remain as separate States or sovereignties outside of the new Union.

Nor need I relate the history of the acceptance of those new conditions, or call

attention to the extreme caution and qualification with which they were accepted by New York, Virginia, and other States, and how Rhode Island and North Carolina remained out of the new Confederacy for two years or more, and were noticed by Congress as separate and independent Powers; nor more than state the political problem about amending the Constitution, to show what care was taken to retain power in the States over the popular will of the whole mass of people of all the States, consisting in the fact that, amendments to the Constitution can be defeated by the votes of one-thirtieth of the electors of the United States, and at the same time that amendments can be carried against the will of the majority. This would be by the small States, to the number of one-fourth, uniting against the large States, and by a close vote within each State; on the other hand, the united vote of one-fourth of the largest States, cast together, would make more than a majority of all the votes, whilst the remaining three-fourths would carry the amendment.

Nor, sir, need I tell the story of the subsequent career of our country under this new compact; how it has grown, as it were, by magic, from thirteen feeble colonies, with three millions of inhabitants, to thirty-three independent sovereign States, embracing a population of over thirty-one millions. Nor how all the members of the Confederacy, and the people, North and South, made common cause, in 1812, against a foreign foe, contributing, with unsurpassed zeal and generosity, money for the common Treasury, and men for the field of battle; and how those men stood or fell together. Nor how, at a later date in the history of the country, in the war with Mexico, northern and southern men rushed with unsurpassed zeal to the flag of the country, and followed it, and planted it wherever the rights and the honor of the nation required. Then there was no talk of North and South, of East and West; none of slaveocracy, and none of sectionalism. All was forgotten in the common cause of the country. Away down at Vera Cruz, beneath the rays of a tropical sun, were beheld the northern and southern soldier and sailor in cordial fellowship and co-operation. And then, again, on the rugged highways toward the city of Mexico, was heard the steady tread of the Palmetto boy, and the Pennsylvania volunteer, side by side and shoulder to shoulder, moving against a foreign foe with unfaltering zeal and courage. No thought of domestic feud or geographical distinctions disturbed that harmonious band. Their thoughts turned to the triumph and glory of the arms of a common country. Nor, sir, need I call to mind the distinguished heroes and patriots of the Revolution, and of the subsequent struggles, to show that the South equally with the North, and the North equally with the South, have contributed to establish our independence, and to build up our great country and Government.

Nor, Mr. President, is it my purpose to trace in minute and elaborate detail the inauspicious events of the last fifteen years, which have brought our once happy country to the very verge of civil war and its countless horrors and ravages. A glance at each of these is enough for my purpose. One after another they have followed so closely down the current of time, that the popular mind has seldom had time to become composed, whilst it has often been so agitated and maddened that reason and judgment have yielded to passion and prejudice.

Nor, sir, shall I attempt to trace the history of these events with the view of fastening the responsibility upon this party or upon that, by an elaborate array of historical facts. I shall only look at these things so far as it may seem necessary to impress men with a sense of their full responsibilities to the country in the present critical epoch, and for this purpose only. On these points the popular judgment is too far matured to be disturbed by any argument of mine. Nor is it essential to my

purpose to know what that judgment is. The Union must be saved, no matter whose measures and policy have endangered it. The country must be rescued from the disasters of civil war and anarchy, no matter whose folly and madness have produced the impending peril. History will take care of this. And as for the public men of the present day, it were wiser for them to think of what history is to say of them, than to indulge in dreamy anticipations about the White House, first class missions, and Cabinet places. They have a chance for glorious or inglorious history, but none, none, sir, to gain the great prize of American ambition. If the statesmen of the present day should prove themselves incapable of performing the great mission of preserving the institutions transmitted to them by their fathers, the sooner their names are forgotten the brighter will be their country's history.

The fundamental cause of the imperiled condition of the country is the institution of African servitude, or rather the unnecessary hostility to that institution on the part of those who have no connexion with it, no duties to perform about it, and no responsibilities to bear as to the right or wrong of it. Each event, touching the extension, contraction, or control of this institution, as it has presented itself, has added to the mutual exasperation and strife between the North and the South, until men have become convinced that to have peace, as to all things else, the North and the South must be completely separated as to this institution of slavery. From 1820 to 1845 we had comparative peace, except only the agitation kept up by a small band of Abolitionists, in the North, who wrote and harangued against colonization, and in favor of immediate and unconditional emancipation of African slavery everywhere. But the annexation of Texas—[they say she will need annexing again soon]—the consequent war with Mexico, and the acquisition of new territory, renewed the strife in Congress once more; and by 1850 the country witnessed a scene not entirely dissimilar to that which now surrounds us. The first attempt at adjustment was that of the Senator from Illinois, [Mr. DOUGLAS,] on the basis of the plan which had given the country peace in 1820; but it is a matter of history that this proposition was voted against by the northern members of both branches of Congress, with few exceptions, and defeated. The anti-slavery men opposed its adoption in 1820; resisted its extension to the Pacific ocean in 1818; and contended against its repeal in 1834. This means of adjustment being rejected, another was absolutely necessary; and the compromise measures of 1850 were the offspring of the wisest heads and the purest hearts in the land. But the peace that followed was brief. The legislation of 1854 in some measure renewed the excitement; and the contemporaneous organization of a sectional, anti-slavery party, since known as the Republican party, gave embodiment and force to the new agitation. Next came the struggle between the North and the South for ascendancy in Kansas, with its countless excesses, outrages, usurpations, seditions, and crimes; next the struggle about the admission of the State of Kansas; and in 1858 came the era of the dogma of an "irrepressible conflict" between the institutions of the States, enunciated by the President elect, Mr. Lincoln, and the distinguished Senator from New York, [Mr. SEWARD.] Then followed the John Brown raid on the State of Virginia; and next the developments of the mischievous doctrine of the *Helper* book, indorsed by sixty-nine members of Congress; and the vote of sixty republican members of Congress for the Blake resolution, to say nothing of the unjust and highly offensive attack made on southern men and southern institutions, in this body, by the Senator from Massachusetts, [Mr. SUMNER.] Since then the sectional party of whose origin I have spoken, have carried the elections in the North like a tornado; and now their President elect, with the dogmas of his party as his guide, is awaiting the 4th of March to take possession of the Gov.

ernment; and though a million of men more voted against than for him, he is constitutionally elected, and must hold the office.

The southern people, to a great extent, believe that those dogmas are to be carried out by the incoming Administration, and that they are inconsistent with the constitutional rights of the people of fifteen of the sovereign States of the Union; that those fifteen States are to be deprived of their just rights under the Constitution, and thereby rendered less than equals in the Confederacy, which constitutes, in their opinion, a degree of dishonor and humiliation to which they will not submit, preferring the dissolution of the Union, and some say, even civil war, pestilence, and famine. South Carolina already denies her allegiance to the United States; and Florida, Alabama, Mississippi, and Georgia, have also in solemn convention declared their determination to throw off their allegiance to this Government, and resist its authority; and the ten vacant seats on this side tell the story of the progress of the revolution in terms more significant than any I can employ. Meanwhile, mutual jealousy, discord, and strife are inflaming the whole land. So stand parties arrayed, and so stand the affairs of our distracted country at this hour.

Our mission—a holy and sacred one—is to avert the impending calamities—to perpetuate the institutions left us by the fathers. Are we equal to the task? Can it be performed? Will it be performed? What sacrifices will it require? Must countless treasure be expended, and rivers of blood be shed? No, sir; none of these things; none of the priceless sacrifices made for its establishment are necessary—none, sir. It only requires that opinion, party, and prejudice should be mutually abandoned to attain the priceless end. No man's honor or conscience need be harmed in this sacred work.

I have previously declared the opinion, that the proper and safe mode of doing this could that be brought about with sufficient promptitude to meet the exigencies of the times, would be a convention of the States—I mean all the States—to meet as our fathers met in Philadelphia, in 1787. A body thus constituted would reflect the real sentiments of the people, and the cool judgment and patriotism of the land; and I cannot doubt that the result would be the adoption of new bonds of Union, under which all the States could live for many generations in harmony; if not till the end of time. But the crisis is upon us; the exigencies admit of no delay. The dissatisfied States demand immediate assurance of justice and equality within the Union, and the return of good will and fraternity among the people, else they separate at once, and possibly forever, from the Government of the United States, whatever the hazards or sacrifices may be. Action—prompt action and thorough, is imperatively demanded on all sides. The proposition of the Senator from Kentucky, to take the sense of the people, immediately, on measures of adjustment, which, it is believed, would arrest the progress of dissolution, and ultimately restore peace and good will, is, to my mind, the most auspicious step we can take. I am of those who believe his measures will be accepted by the northern people, whatever the politicians may say or do to the contrary; and why should they not be submitted? Why should we not make at least this effort to save the Union? In God's name, are we to stand idly by and see this great Government broken into fragments, and possibly the whole nation plunged into an internecine war? If there be not statesmanship, love of country, magnanimity, and justice enough in Congress to save the Government, let us say so to the people, and call upon them to come to the rescue. But why should any man object to the reference of this question to the popular will in the several States; or who will say that he will not obey that will, whatever it may be? Certainly no Senator will assume ground so untenable. I can readily see why Senators might be

unwilling to accept these propositions for the people; but I can see no just reason for refusing the people the opportunity to accept them for themselves and for their representatives. Does any man doubt the intelligence and patriotism of the people; or will any one say he does not seek the counsel and advice of his constituents in these times of trouble? It seems to me that Senators on the other side, whether the propositions of the Senators from Kentucky or those proposed by myself, be acceptable or not, should not hesitate to trust them to the people. I am quite sure, under similar circumstances, I should be very willing to take and abide the judgment of those I represent. Were it the question of adopting the resolutions as amendments to the Constitution, to be referred to the States for ratification, members might well insist on having just such propositions as met their own judgment; but if they believe any measure of peace necessary, I cannot see why they should refuse to refer the propositions to the people, although they themselves might be unwilling to accept them.

This may be called an extraordinary step; it may be said it is irregular; that it is without warrant in the Constitution. My answer to all this is, that the times are irregular; the nature of the case requires extraordinary measures; and certainly there is nothing in the Constitution denying the right to Congress to submit propositions to the decision of the people—the power that created the Constitution. Did it propose the exercise of a final and binding action by Congress, then the questions of power and propriety might well be raised. But as it is a proposition to consult the power that makes constitutions, I do not see that it can be regarded as the exercise of a dangerous authority. But perhaps gentlemen on the other side may be flattering themselves with the idea that there is no real danger to the stability of the Government, nor the peace of the nation. Or, perhaps, they have concluded that even if it so be that the country is in peril, they have had no hand in producing that state of affairs, and should make no sacrifices to avert the danger. Both conclusions would be alike fallacious. The Union is in imminent danger of permanent and disastrous disruption, and the country of civil war; and the men on the other side have a large share, I say much the largest share, of the responsibility to bear. I do not say that the fault is all on one side, or that either is blameless. Were the sacred challenge invoked in this body, “whosoever is without sin amongst you, let him cast the first stone,” I should have no fear of whizzing missiles from the other side of the Chamber; nor do I believe there would be many discharged from this.

As I have said before, I consider the war of crimination and recrimination about slavery the root of the evil that besets our country; and the organization of a sectional party based on that issue, deriving its vital energies from that question, as the effective means by which the country has been brought to the brink of destruction; and of these things I shall speak more at length hereafter. This is my view, expressed in no unkind spirit, and only because I would impress upon Senators on the other side, and upon the men they represent, the duty of concession at their hands. The proposition of the Senator from Kentucky presents the means of doing this without much sacrifice of feeling, or pride, or principle. It is a proposition so far as the Territories are concerned, simply to divide—to give all north of 36° 30' to the North, excluding slavery, and to give all south of that line to the South, for her institutions, during the territorial condition; and on either side of the line, as everybody knows, when the Territories become sovereign States, they can have slavery or not, as they please. Is there anything unreasonable in the scheme? Can anything be more simple and just? It involves no dishonor, and the sacrifice of no admitted right, nor does it extend slavery one foot, or add one slave to the number now in bondage.

It is an adjustment on terms that must commend themselves to all fair-minded men. We cannot agree about the management of its joint estate. We have kept up a protracted and angry controversy about its management; and the Senator from Kentucky proposes to divide it on the parallel of $36^{\circ} 30'$, giving the free States about nine hundred thousand square miles, and the slaveholding States about two hundred and eighty thousand square miles. Surely the North should not complain of a division so generous to her. If we were about to make a peaceable division, no one would offer the southern States less, and no umpire would award them less. But there seems to be peculiar sensitiveness on the other side about the terms to be employed in expressing this division. Why should that be so? Is it not intended to be a division in good faith, and that each section shall have its share during the continuance of the territorial condition? If so, why not say so? There is a perfect willingness to interdict slavery on the north side. Then why not recognize and maintain it on the south? Surely no honorable man will seek to have both sides of the bargain.

If it be said that by this division, according to your doctrine, you yield the right to exclude slavery from two hundred and eighty thousand square miles south of the line, southern men reply that, according to their doctrine—and, in my judgment, the true doctrine—they yield the right to go into nine hundred thousand square miles north of the line. As for the question of future acquisitions, I would not stand upon that point; though I think it the part of wisdom to make the settlement final. The junior Senator from California, [Mr. LATHAM] fears that this feature of the adjustment may restrain future acquisitions. Be it so. I think experience is demonstrating that we have quite as much country as we are capable of governing. But he bases his opinion on the hypothesis that the present state of feeling between the North and the South is to continue, and that as men and parties now stand arrayed, so they are to stand for centuries to come. The experience of the world, and especially that of our own country, is against the assumption. Could I believe this, then indeed would I despair of the Republic. But I trust that the slavery agitation will soon culminate and recede, and that the American people will embrace other ideas and topics. But the North need not object to this provision: for if ever the question should be presented in a sectional point of view, that section would have control of it, and in no way could new domain be forced upon it. Could this territorial point be gained, Mr. President, I feel confident that all else in the programme would follow. The interdiction against the right of Congress to interfere with slavery in the places under its exclusive jurisdiction, and in this District, and against any future right to interfere with slavery within the States, seems less objectionable. As for the rendition of fugitive slaves, the Constitution is sufficient as it is; and if amended at all, in my judgment, it should impose the duty of returning fugitives, on the States as well as on Congress; and surely all will agree that the service of the President should be limited to a single term, and that the slave trade should be forever interdicted.

But the territorial question is the great obstacle in the way of peace; for it is through that feature of the adjustment that the South is to have that recognition of its rights and equality necessary to relieve its honor and allay its apprehensions. For myself, Mr. President, I hold that the people of the southern States, with their slaves, have a just and constitutional right to go into the common Territories, there to hold, use, and enjoy all property of whatsoever kind known to the laws of the State whence they emigrated. This principle was clearly laid down by the Supreme Court in the case of *Dred Scott*. But I do not rest my plea for the South on that decision alone. I found it on the broad principles of equity and justice. The Ter-

ritories were acquired by the expenditure of common blood and treasure, and are, therefore, the common property of all; and so long as they so remain, if open to occupancy at all, they must be open to all. The States are equals by the express language of the Constitution, and that principle of equality must prevail in the enjoyment of a common estate. The right rests on the great principle of equity, as old as human government, and as sacred as divine truth. How palpably unjust it would be for the two great States of New York and Pennsylvania to seize upon a large district of this common estate, and then prescribe onerous conditions for emigrants from the small States of New Jersey and Delaware; and yet this is precisely the right claimed in the Republican platform, to wit: that the northern States having a majority in Congress, shall lay down the law to the effect that the emigrant from a slaveholding State shall not go into the common Territories unless he leaves his slave property behind. To my mind, Mr. President, this is the point at which the Republican creed is fatally at fault, and at which their gravest responsibilities begin; and at which the work of saving the Union must commence. Here their creed encounters both justice and law. The justice of the case is apparent to everybody; and the law is found in the *Dred Scott* decision. In that case the effect of an act of Congress, interdicting slavery necessarily arose; and the decision is clear and emphatic that Congress has no right to pass such a law, and it is therefore null and void. I will not quote the language of the court, so often presented and so familiar to Senators.

But it is said that the court was divided. What of that, sir? A majority make the court, and when the majority speak the law is declared. Congress is often divided about the passage of laws; but when the majority speaks, though that majority consists of one vote only, the law is enacted, and none but a madman would for that reason doubt its validity. Sad will be the day, and deep the demoralization, when men go behind the face of the law to inquire how legislators were divided, and behind decisions to see how the judges differed, in order to find pretexts to evade or violate the law. But, notwithstanding this decision, it is an article of Republican faith, that this unconstitutional and unjust thing shall be done; and more, when almost ready to grasp the power to do this thing, you flatter yourselves that you have had no part in imperiling the Union; express surprise at the clamor that is raised in the South, and talk freely about rebellion and treason; about the execution of the laws, and fidelity to the Constitution, and about the chastisement due to the seditious and disobedient. That is all very right and proper; but it would be well for you to put yourselves right before you attempt to punish others. "First cast the beam out of thine own eye, and then shalt thou see clearly to cast the mote out of thy brother's eye."

Your members of Congress, with scarce an exception, are pledged to deny to the slaveholder the right to go into the common Territories, unless he leaves his slave property behind him, notwithstanding the Constitution, as defined by the court, and the equity so manifestly in his favor. Even your President elect has said that, were he a member of Congress, he would vote for such a law, the decision of the court to the contrary. This is the worst part of his record, and I regret its existence; for he is the President elect, according to the Constitution, and I must hold the office. My logic, Mr. President, is, that if we are for the Constitution at all, we must sustain every feature of it; and we must accept its meaning at the hands of those who have the right to expound it; and I say further, that you might as well discuss the principles of the Christian religion with the infidel who denies the Bible, as American politics with the man who will not take the Constitution for his guide. I talk thus plainly, because I would have men realize the responsibilities of their teachings and

ponder on their consequences. Let them take warning from the voice of Webster, at Capon Springs, in 1851: "a bargain broken on one side, is broken on all sides," and take care that you do not give just ground for the insubordination you so much condemn in others. A solution for the awkward dilemma of the Republican party is furnished in the resolutions now pending before the Senate. Will they accept relief in that way? Will Senators on the other side permit the people to decide? If not, the issue must be with them and their constituents; and let them be prepared for the consequences.

The unfaithful execution of the fugitive slave law, though at times greatly exaggerated as to its extent, is cause of grievous complaint on the part of our southern friends. It is said in extenuation of this wrong, that so far as State laws are inconsistent with the Constitution, they are null and void; and can, therefore, do no harm. To my mind, Mr. President, this is no answer, and no amend for the wrong. It may be some kind of law, but it is bad morals, and enmity rather than comity. Any and all attempts to embarrass the execution of the Constitution is bad faith, and betrays an unfriendly spirit, well calculated to awaken distrust and retaliation at the hands of the injured parties; and I hesitate not to say that all statutes wearing even an unfriendly appearance to the Constitution should be promptly repealed. But some of those statutes are manifestly in clear conflict with the letter and spirit of the Constitution; while others, less offensive in appearance, are liable to be perverted into means of mischief and wrong. For instance: the Supreme Court has held that the owner of a fugitive slave has a right, by virtue of the Constitution, to possess himself of his slave wherever he can find him; and yet nearly all the personal liberty bills in the North punish the owner for arresting his slave in a manner to produce tumult or riot. All agree that tumult and riot should be prevented; but who does not know that half a dozen of abolitionists, and an equal number of free negroes, can get up a riot anywhere on the occasion of the arrest of a fugitive, and thus give the owner penalties instead of property? My own State has been arraigned on this point; and candor requires me to say that she is not entirely blameless. A part of her statute of 1817 has been the means of mischief and wrong, and ought to be repealed. But justice to her requires that I should also say, that so long as she was left to the performance of this duty of returning fugitives in her own way, there was little, if any, cause of complaint. More than one hundred and fifty years ago, the provincial authorities of Pennsylvania recognized the right of the owner to the service of his slave; and in the law of 1780, abolishing slavery, she provided for the return of fugitive slaves, and manifested her high spirit of comity by providing for the transit of slaves through her limits, and for a temporary sojourn of the owners with their slaves and servants, for a term not exceeding six months. Her law of 1826, was passed at the instance of the slaveholding State of Maryland, under the auspices of commissioners appointed on the part of that State; and, singularly enough, that law contains some of the provisions complained of at this day. It punished kidnapping, and forbade State officers to execute the fugitive-slave law of 1793; but its own provisions for the return of fugitives were simple and direct, and convenient of execution; and the State officers and magistrates were required to execute it under heavy penalties. From that time down to 1812, when the decision of the case of *Prigg* against the Commonwealth of Pennsylvania was announced, there was but little cause of complaint. But that decision released State officers from all obligation to execute the law of Congress; and held that the State laws on that subject were null and void, though adopted in good faith to secure the return of fugitive slaves; that the jurisdiction of the subject was not concurrent, but belonged exclusively to Congress, or rather that Congress, having legislated for the execution of

that part of the Constitution, State legislation was inadmissible. It was held, in addition, that the owner had a perfect right to possess himself of his fugitive without process, and in disregard of all State statutes.

The effect of this decision was felt immediately in the States of Maryland and Virginia. It threw about the law of 1793 the utmost inconvenience of execution. In the State of Pennsylvania, for instance, Federal process could only be had at Pittsburg or Philadelphia, with an intervening distance, bordering on slave States, of four hundred miles; and, hence, claimants of fugitives, instead of applying for process, made arrangements for discovering and recapturing their fugitives without process and without trial. This was done by the establishment of agencies, and alleged slaves were picked up everywhere with impunity, and carried off without the presentation of the slightest evidence that the persons were slaves, or if slaves, that they were to be returned to their real owners. This proceeding became exceedingly distasteful to the people, and a subject of general clamor even among those who were most desirous to execute the Constitution and keep faith with the slave States. Nor, sir, will it do to say that there are no instances in which free negroes were carried off. As I have before intimated on this floor, I know that one was carried from my own county, well known to be free, through the agency of a base man in a neighboring county. The consequence of these things was the law of 1847, enacted in pursuance of a very general public sentiment. This law punishes kidnapping; and that is right. No slave State will object to that. It relieves State officers from the duty of executing the law of Congress. That can be no cause of complaint, because the Supreme Court says such was the intention of the Constitution. It denied the use of the county prisons for the detention of fugitives during trial. After the adoption of the fugitive slave law of 1850, this provision was repealed, and the use of prisons permitted to facilitate the execution of the law of Congress. The worst feature of it in existence at present is that which punishes the owner who may arrest his fugitive without process under the law, and thereby producing tumult and riot; and this, I say, ought to be promptly repealed, for the reason that it is liable to abuse. But, sir, it is not true that there is any want of disposition with the great mass of people that constitute that State to observe, in good faith, every obligation imposed upon them by the Constitution. They intend to perform their part. Nay, more, sir; they desire to avoid even the appearance of wrong; and had the State been permitted to follow her own just policy, no man ever would have had sufficient ground for complaint against her.

But, Mr. President, the organization of a geographical party; that organization against which George Washington warned his countrymen, was the fatal day for this Republic. I have been in the habit of saying, sir, everywhere on the stump, that such an organization was inconsistent with the peace of the nation; that a political association so hostile to the institutions of another section of the country that it could have no recognition and no members in the assaulted section, must necessarily be an agent of alienation and hostility among the people. George Washington and Andrew Jackson both foresaw this, and men on the other side should have heeded their warnings. It will not do to say that it never was intended to be a sectional party; that it is based on great truths that can be and ought to be universal. Sir, disguise it as we may, the Republican organization has had, and has now, but one vital spark of existence, and that is prejudice and hostility to admitted rights—to the institution of slavery—an institution recognized by the fathers. I know, sir, it is said, in mitigation, that Republicans never intend to exercise any unconstitutional right; that their purpose is not to interfere with slavery in the States. But, Mr. President

tell me when or where a Republican meeting has been held, since the dawn of that party, where the impression was not left, either by its proceedings or in the language of its orators, that in some way or other the Republican organization was the agency through which slavery was to be abolished everywhere? This was not always done directly and in plain terms; men occupying the position of statesmen dare not do this: but they would talk about an irrepressible conflict between the local institutions of the States. They would say they did not expect the house to fall, but they did expect it to become all one thing or all the other—all slave or all free; and who could imagine that they intended to intimate that the States should all become slave? Then, sir, they would talk about hemming slavery in with a cordon of fire, so that it might perish by its own blasting effects.

It is idle, Mr. President, it would be unmanly at a time like this, to close our eyes to the manifest effects of what men have said and done. This kind of mysterious teachings of the Republican leaders was necessary to draw to them the support of the old anti-slavery party of the North. Without that support, they could not succeed; and they could not get that support, without, to a greater or less extent, identifying themselves with the doctrines of abolitionism, and of aggression upon slavery everywhere. Now, sir, if these doctrines are not to be carried out, why not say so? Cannot men rise above the ordinary position of partisans, and say frankly and emphatically that they do not intend, either by direct or indirect means, to interfere with the rights of the southern States, or attempt to deny to them perfect equality—not only as members of the Confederacy, but in the use and enjoyment of our common Territories? Let the President elect say this, and the skies will brighten. Come, Senators, "let justice be done though the heavens fall;" let the South have her share of the common estate; and as she is the weaker party, give her prompt and efficient guarantees against future interference and against future aggression, as far as that can be done; and we shall again have peace. Without it, without concession and compromise, our destiny is inevitable—disunion, civil war, and anarchy are before us.

To my own mind, Mr. President, a still greater source of evil, of alienation, and hostility, than all those already mentioned, is the habit which prevails in the North of branding slavery with opprobrious epithets, and denouncing slaveholders as barbarians and criminals, for doing that which it was agreed they might do. This is the exhaustless fountain from which flow the bitter waters of discord, which are poisoning all the channels of intercourse, commercial, political, and social, between the northern and the southern States, wielding an influence more poisoning and blighting than the shades of the deadly upas. Southern men, from notions of pride and dignity, give less prominence to this idea; but no man who has associated with them as I have, could fail to discover its effect upon their feelings. A southern man, once a member of this body, but not now here, because his State claims to be out of the Union, touchingly remarked to me on this floor: "Look at our case; look at my State," said he; "the present generation there have had nothing to do with establishing slavery; we inherited it; we believe it to be right; we do just what it was agreed we might do at the time the Confederacy was made, and what the northern States were mainly doing at that time; and yet, sir, for so doing this thing, we find ourselves branded as barbarians, and our institution talked about as a twin relic of barbarism and polygamy, and we as men favoring a lower order of civilization than that enjoyed in the North, and as living in the daily practice of oppression and wrong. Now, sir," said he, "I care little about your territorial question; we have a clear constitutional right in the Territories, and it ought to be recognized,

but it is not a valuable right ; nor have I any fear of violence at the hands of northern people ; with me it is the wear and tear of feeling ; it is the attempted humiliation and inequality in the Government that has alienated me. I would rather have," said he, "relations with any other men on the face of the earth, than with those claiming to be my brethren and part of the same common Government, who thus outrage my feelings and estimate me politically and morally as beneath their position."

Unhappily, Mr. President, this feeling is too wide and too general. I say it is the seat of the disease which is exhausting the vitals of our Republic. How to remove it, God only knows. The expression of sentiment under our institutions, cannot be suppressed, and can be but slightly restrained ; and I had reference to this feeling mainly when I remarked on the 11th of December, that whatever remedies were adopted ought to be complete and final, reaching the root of the disease, and separating the question of slavery entirely from popular elections in the North, in order that the public mind may be at rest, and that those in a who are sincere, conscientious enemies of slavery—for a large body of them are so—should feel themselves entirely separated from the institution ; that they have no connection with it ; no responsibility to bear, and no duties to perform. Thus separated, possibly they would cease their aggressions on their southern friends ; or, perhaps, they would turn their attention to a wider field, and look to the elevation of the condition of the African in Cuba, where they could wage war, if war they must have, without making it upon their kindred and their brethren ; where there would be no compacts to violate, and no fraternal blood to shed ; or to the still wider field presented in the native land of the African, and where they would find a still lower grade of degradation. Surely, when they shall have occupied those fields, and elevated the native African to the condition of the descendants of that country in the southern States, no one will object to their efforts to elevate and relieve the condition of the African slave in America. But it seems to me that true philanthropy and humanity require that they should take hold of the disease where it is worst. The skillful physician would do this. The philanthropist ought to exert himself in the field where suffering humanity needs his aid most. Then let them labor to bring the African in his native country, or in Cuba, up to the condition of the southern slave ; and when they shall have done that, then let them turn their attention to the descendants of Africa in the North—the free negroes, a degraded and suffering race—and see what can be done for them.

Sir, I do not wish to be understood as an advocate for African slavery. I am not but I cannot see the cruelty or the political or moral evil in it that men on the other side attribute to it. They do not intend to give the negro political equality in this country. They will not dare say they do ; nor do they intend him to have social equality. What then remains to him ? Physical existence, and nothing else. Such liberty is a delusion and a fraud—the word of promise to the ear, to be broken to the hope. Suppose the proposition were submitted, at points in the North, where large numbers of free negroes are found, to appoint respectable and responsible white men as guardians for each family, to direct their physical efforts for an animal existence ; to see that their labor was properly directed, so that their earnings might be applied to the use of the family ; to take care of the aged, and feed and clothe the young ; would that be a very cruel proposition ? Certainly not ; and yet, stripped of occasional abuses of the institution by the violent separation of families, and the recognition of an unpleasant principle, and that is about all there is in the institution of slavery in the South. It is the application of a superior intellectual ability to direct the muscular efforts of the Africans to secure subsistence.

But in God's name, if this agitation is to go on, if a party in one section of the country is to be organized and derive its vital spark of existence from this agitation, let us know what is to be accomplished, what good end is to result from it; what can be done for the white or the black race by it? In what possible way is the condition of either to be improved? Would you make the slaves free men? Unless you mean this, you mean nothing. If free men, how, when, and where? You acknowledge the restrictions of the Constitution as to the slave States. But suppose this were removed, and the southern people were to say, here are our slaves; we set them free; they must be clothed and fed; come and take them: then what would you do? Nothing, gentlemen; absolutely nothing. The most abolitionized State in the Union would not agree to receive her quota of slaves in order to give them freedom. They could not be brought North; and if such a thing were possible, every sane man must know that their condition would be infinitely worse. They would not only be slaves, but miserable, starving, degraded slaves. As was well remarked by the Senator from Virginia, the other day, in tracing the consequences of war between the two sections, and justly denying the right and possibility of subduing the South, if you had the South subdued, what would you do with the slaves? He said, as I say, you would have to retain them there; and if the South were conquered provinces of the North, the institution of slavery would have to be maintained, and the right of property in slaves recognized. What a hazard we are running, then, Mr. President, for an idle abstraction or a vain delusion?

I have no pleasure, sir, in this kind of talk. As God is my judge, my heart is not in it at all. I am in no spirit of crimination. I stand here between the extremes of the North and the South, getting but little countenance or sympathy from either side. but I stand for my country, for the Union of these States, for the cause of justice and humanity, for the right, for duty and fidelity on all hands, and against a fratricidal war at all times and in every contingency.

I have already said that I do not hold southern men blameless on this subject. They have indulged a spirit of recrimination and retaliation towards the North neither wise nor philosophical; and it cannot be denied that a vexatious system of espionage has been kept up in some southern States as to northern men visiting that region, and in some instances cruel and condign punishment inflicted upon them in a manner disgraceful to the age, and well calculated to provoke aggression and hostility. They have, in addition, been unnecessarily sensitive and exacting on unimportant points, and at times have left the impression that nothing that the northern people could do or say would relieve their apprehensions or assuage their feelings.

As for secession, I am utterly against it. I deny the right, and I abhor the consequences; but I shall indulge in no argument as to the right. It is no remedy for any one of the evils lamented; and in my judgment, it will aggravate rather than remove them; and, in addition, superinduce countless others of a more distressing and destructive character. "It were wiser to bear the ills we have, than fly to others we know not of." Will dissolution arrest aggressions upon the rights of the South? Will it extend the area of their peculiar institution? Will it break up the machinations of those who conspire to carry off slave property? Will it assuage popular feeling in the North as to slavery? Will it give additional security to the holders of slaves? and will it prevent insurrection? In my judgment, it will do none of these things. Nor can it by any possibility improve the material interests of either section of the Union; and I do not intend to dwell upon the question of material interests in considering the value of the Union. If we could have two republics of equal size, and live in harmony and in unrestrained commercial and political intercourse, the national

growth might not be seriously affected. But would this revolution stop with two republics; and can peaceful relations be maintained? Both is possible; but neither the one nor the other is probable. If once disruption becomes permanent, the history of the world would seem to teach that subdivisions would follow until the American Union would be divided into a score or more of petty, wrangling, and demoralized republics, exciting only the pity and contempt of the world.

Acknowledging the justice of the complaints of the southern States to no inconsiderable extent, I deprecate with all my heart the remedy they pursue, and am prepared to resist it by all proper means in my power. Even if the right of secession were clear, Mr. President, I maintain that justice and good faith to the other States require that redress for alleged grievances to the South should first be sought at the hands of the people, the fountain of political authority, and in the forms prescribed in the Constitution. The southern States should have petitioned Congress for a convention of States to revise the Constitution and remove the grievances of which they complain. In this way they could have ascertained the real sentiments and intentions of the northern people towards them, and the great alternatives of continued Union or peaceful separation could have been determined upon. This was the course of our fathers in reference to the old confederation, which was intended to be perpetual, but was changed because it did not answer the purposes for which it was created. Let our southern friends follow this example, even at this late day, and all may be yet saved. Better counsels will prevail in such a body than in Congress. Men will come fresh from the people, unembarrassed by party politics and party platforms. This refused by the North, and then, and not till then, could violent remedies with any show of justice be invoked. The Constitution was intended to meet just such exigencies as now surround us; and hence, no provision was made for the separation of the States, and none for the coercion of States into obedience to the fundamental law of the Union. The men who made the Constitution were in the practice of that peaceful remedy at the time, and doubtless intended to leave the same remedy and none other to posterity. This remedy should still be embraced, unless Congress should promptly submit to the States some measure of pacification and reunion.

No one pretends that the right of secession is given in the Constitution; and no one can seriously pretend that, if practiced by a State, the act is not, to some extent, a violent one, and in derogation of the rights and interests of the other States. The right or wrong of it in the estimation of the world, like the right or wrong of revolution, must depend in no inconsiderable degree upon the sufficiency or insufficiency of the reasons that induce it, and the consequences resulting therefrom. I think the reasons insufficient, and the remedy not only futile, but unjust to others. I deplore it, I deprecate the movement with all my heart; and I would be willing to wield any proper power in the Government, any peaceful means, to arrest the movement, so that men might be induced to look before they leap. But it is said, on the other side, that the authority of the Government of the United States must be vindicated; that rebellion, sedition, and insurrection must be put down, the Union saved, and the laws executed at all hazards. On these points, and as to the duty and powers of the Government, I concur mainly in what was said by the Senator from Illinois. [Mr. DOUGLAS.] No man denies that the laws should be executed; but if the people of a sovereign State, by a common voice, and in authoritative form, threw off their allegiance to the Federal Government, and acknowledged another, how are you to execute the laws within such a State, or carry out any one of the functions of the Federal Government? To execute the laws, suppress insurrection, and put down rebellion

is a nice theory, and pleasant talk ; but will gentlemen tell us how it can be done against the united voice of a sovereign State ? When the people have thrown off their allegiance to the General Government, and acknowledged only that of the State, the Federal Government may command the citizen to do one thing, but his allegiance to the State would require him to do another ; and so he is bound hand and foot. You cannot carry mails, hold courts, nor collect revenues with the Army, even if you had a large one ; but with all the Army this Government has at present, such a work would be idle. What then ? Shall we recognize the States now claiming to be out of the Union as *de facto* Governments, and wage war against them, to regain the jurisdiction of the United States within their respective limits ?

Before we do this, let us look at the fearful alternatives. Such a war would not involve a contest with five States only, but with twelve or fifteen. He is a madman who closes his eyes to this fact. However much the border States may deprecate the action of the Cotton States, and however bitterly they may lament that action and denounce it, if you please, they have, with scarce an exception, declared secession to be the right of any State, and that no war shall be made on a sister State for the exercise of that right, however unwise that exercise may seem. Then, sir, it would be a war with fifteen States on one side and eighteen on the other. Let Senators who talk of war study the picture ! Nothing in all the sad consequences of dissolution can be so blasting and horrible, as such a war, even though it presented the hope of re-establishing the Union. But how fallacious and delusive must be the idea of union through such means ! It involves the practice of disunion of the most fatal type. Let war once commence, and the Union is gone forever. What would be the purpose of the war ? It must either be to chastise the offending States, to gratify feelings of hostility against them ; to vindicate the honor and dignity of the Government, or reconstruct the Union ; but it would fail to accomplish the one or the other. What good end then will it subserve to shed the blood of our race and kindred, who separate from us politically, because they have believed they were not treated as equals ? States cannot be brought back into the Union, or kept in the Union, by the sword. It is impossible. Ours is a Government of consent, and must be sustained by good will and fraternal affection. By what earthly means can you compel a sovereign State to perform the functions of a member of this Confederacy against her will ? Can you make her citizens hold office ? Can you make them regard your laws ? Can you compel them to elect members of Congress, and can members of Congress be forced to serve ? Can you collect revenues or taxes where no man will perform the office of tax-gatherer ? It is idle. I say, therefore, that coercion is a mere phrase, a sheer delusion. The idea of thirty-three States, that failed to live in fraternal union, being reunited by a long and bloody war, is preposterous. No, sir, this never can be. And in saying this, I do not mean to say that I would not force all the States to remain, if I believed it possible ; for no greater service could be rendered them.

In my opinion, secession is the worst possible remedy for the evils complained of by the southern States, and coercion the maddest of all the remedies suggested for secession. The States ought to live in fraternal bonds ; but if they will not, shall we half put the other to the sword ? Such a war would be one of extermination. Neither side could ever conquer ; and if the northern States could conquer, what would they do with the southern States as provinces ? The Senator from Virginia met that point the other day so completely that I need not discuss it. But God forbid that war should ever begin ! I am against it. I am for peace ; and I am ready to grant anything in reason to reconcile the discontented States and the offended

people. I am ready to implore them to remain in the Union; I am ready to fight for their constitutional rights to the last hour; but to shed a brother's blood in a fratricidal war, I shall be ready—never! never!

But still I have an abiding faith that the nation can be saved; not by mere hosannas to the Union, though I like them exceedingly. It will require works as well as faith. When Rome was in the full tide of her decline, it was the boast of the Romans that, while the Coliseum stands, Rome will stand. The boast was vain, for "Time's effacing finger" ever points to the fallacy of the expectation. The humbled pride and departed grandeur of the once mistress of the world are a fitting commentary upon worldly ambition. Still, the American boast that while the Union stands America will stand, is far more wise and rational. But means must be used. Then, boasts may be indulged. The adoption of the resolutions of the Senator from Kentucky, by the vote of all parties in Congress, would at once give assurance of reunion and continued union, and would be the voice of peace and good will throughout the land. What a blessed message it would be to go trembling over the wires from State to State, from city to city, from town to town, hill to valley, and house to house, throughout this broad land; and how many hearts would impulsively thank God for his mercies! Our Government is too young to end now. Comparatively speaking, it is in its infancy. It has only seen the years of a very old man; and some there are still alive who lived before independence. Can it be that its existence is to be so limited, so fleeting? a sky-rocket among the nations, to rise and shine for a brief period, and then sink to rise no more? I do not believe this. God has more in store for America than this. It required the Roman empire about five hundred years to reach the climax of its greatness, and about an equal period to decline and fall. Babylon had existed sixteen centuries when the mysterious characters on the wall gave the affrighted king notice that the time of its downfall was at hand. The Athenian Government existed more than twelve times the period which ours has been in existence. The English Government has seen over six centuries since the days of Magna Charta; the American Union has not seen one! Could it be now saved and reconstructed, as far as broken, might we not hope that its foundations would be deeper and firmer than ever; that the ordeal through which it is now passing would root its foundations more effectively and completely in the affections of the people?

But Senators talk of war; and it disturbs no man's nerves that widely separated States and communities should do so. The men of the arctic regions of the United States, away up in Maine, and Vermont, and Massachusetts, can shake their gory locks at those inhabiting a neck of land in the tropics of America, known as Florida; and the Floridians, in turn, may manifest a belligerent design. Such a fight will be bloodless; but it will be far otherwise with the free and slave States bordering on each other, should that be the line of division. They will be within striking distance and to them this war will be no idle bravado. It will be a matter of life and death. Look at the position of my own glorious old State. No broad river, or high mountain, or deep chasm, or high wall, divides her from the slaveholding States. From the waters of the Ohio to those of the Delaware, her broad side lies nestling close up against the sides of her slaveholding sisters. First, on the west, comes Virginia, then Maryland, and then, full up in her generous bosom, rests her little sister Delaware, with the heads of both reclining on the banks of the river where, at the same moment, the rays of the morning sun may kiss the brow of both. For four hundred miles, from the Ohio to the Delaware, her south side reclines against the north side

of slaveholding States; mountain to mountain, hill to hill, valley to valley, farm to farm, neighborhood to neighborhood, brother to brother, sister to sister, hand to hand, and heart to heart. The line has been, to the fraternal citizens on either side, imaginary; they have passed from the North to the South, and from the South to the North, without even a thought that it marked the beginning of a people strangers to each other, much less aliens and enemies. All along this line there has been marrying and giving in marriage. The sons of Virginia have married the daughters of Pennsylvania, and the sons of Pennsylvania have married the daughters of Virginia, and so has it been with Maryland and Delaware. That line is sanctified by all the ties that can endear men to each other—political and commercial ties; ties of interest and custom; ties of consanguinity and affection.

Great God! Are all these to be severed? Is this line to mark the boundaries of enemies? Impossible! Humanity and justice forbid it. Pennsylvania will never become the enemy of Virginia. Pennsylvania will never draw the sword on Virginia; and she is no less affectionate to her other sisters. In good faith she has performed her part in peace and in war. For many long years she has endeavored to stay the tide of disaffection and alienation between the two sections. She has been truly the keystone of the Federal arch, and the bulwark of the rights of her sisters. Like some mighty peninsular between two heaving seas, she has resisted and rolled back the waves of discord and strife; but alas! the waves have risen higher and higher, until she is quite submerged, and her resistance is powerless.

For myself, I have but a few days longer to serve here, when I shall return to share her fate. She is my mother, and I love her with filial affection. She has made me what little I am; and though at times she has cherished and caressed, and then frowned—whether smiling or frowning—I love her still. Frowning though last she has been, she is just and generous; and come what may—peace or war, weal or woe—her cause will be my cause. I say to her in the touching language of ineffable love:

“Whither thou goest I will go; where thou lodgest I will lodge; thy people shall be my people; and thy God my God.”

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